BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

DALE STRAUB)
Claimant VS.))) Docket No. 199,492
WAMEGO LUMBER COMPANY Respondent) Docket No. 199,492
AND	
UNITED FIRE & CASUALTY Insurance Carrier	}

ORDER

Respondent appeals from a preliminary hearing Order entered by Special Administrative Law Judge William F. Morrissey on December 14, 1995.

ISSUES

Respondent describes the issues on appeal as follows:

- (1) Whether the Special Administrative Law Judge has the jurisdiction to award temporary total disability benefits to begin January 19, 1995, and to continue forward when claimant originally requested temporary total disability benefits only to commence when claimant undergoes surgery.
- (2) Whether the presiding Special Administrative Law Judge erred when considering medical records of claimant which were not attached to the notice of intent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the briefs submitted by the parties, the Appeals Board finds that neither of the issues raised by respondent is one subject to review on appeal from a preliminary order. See <u>Sulaimon v. Woodland Health Center</u>, Docket Number 192,021 (Sept. 1995). Respondent asserts that the reference in K.S.A. 44-534a to "whether certain defenses apply" authorizes the Appeals Board to review procedures followed in the course of preliminary hearing. The Appeals Board does not

agree that its jurisdiction on appeals from preliminary orders is as expansive as respondent suggests. K.S.A. 44-551 limits the jurisdiction to only those cases where the appeal challenges the jurisdiction of the administrative law judge to enter his order. The issues raised here do not, in substance, do so.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Special Administrative Law Judge William F. Morrissey dated December 14, 1995, should, and does, remain in effect as originally entered.

IT IS SO ORDERED.	
Dated this day of February 1996.	
	BOARD MEMBER
	BOARD MEMBER
	BOARD MEMBER

c: John M. Ostrowski, Topeka, Kansas Gregory D. Bell, Topeka, Kansas William F. Morrissey, Special Administrative Law Judge Philip S. Harness, Director